

Remarks/Arguments

Reconsideration of this application is respectfully requested.

Claims 22 to 34 are pending in this application. Claims 30 and 33 have been amended herewith to correct an inadvertent error in dependency. These claims now depend from claim 22 instead of claim 1, which was previously cancelled. This should obviate the §112 rejection asserted against claims 30-31 and 33-34.

Claims 22-28 and 33 stand rejected under 35 U.S.C. §102(b) as anticipated by Knight (EP 0129309), as evidenced by Burdock (Oxidized Polyethylene Wax). Claim 29 stands rejected under 35 U.S.C. §103 as unpatentable over Knight, as evidenced by Burdock, in view of White (US 5,955,163). Claims 30-32 and 34 stand rejected under 35 U.S.C. §103 as unpatentable over Knight, as evidenced by Burdock, in view of Akao (EP 0569950). Applicant respectfully traverses these rejections.

The present claims are directed to closure liners molded from a composition that includes, in addition to the matrix polymer, an organopolysiloxane, a saturated amide and an oxidized polyethylene. The composition must be essentially free of erucamide or other unsaturated amide (e.g., oleamide). Knight does not teach a composition that is free of unsaturated amide and that includes an oxidized polyethylene in combination with an organopolysiloxane and a saturated amide.

As pointed out by the Examiner, example 2 of Knight discloses a composition comprising three slip components: a polyethylene wax, a silicone and a fatty amide, namely oleamide. However, this composition differs from the claimed composition in three important respects. First, it does not include a saturated amide as required by the claims. Second, it includes an unsaturated amide (oleamide) which the claims specifically exclude. Third, it includes

polyethylene wax, which is a form of polyethylene, not oxidized polyethylene as required by the claims.

While Knight generally teaches that stearamide, a saturated amide, may be employed as a fatty amide, Knight does not disclose the specific combination of stearamide with silicone and oxidized polyethylene, as claimed. Thus, although Knight includes a saturated amide in a list of potential materials that may be employed, this general disclosure is not an anticipatory express disclosure of the specific combination as claimed. To anticipate, one must have identity in disclosure, not just a possibility based on suggestion. Moreover, since Knight has only exemplified an unsaturated amide (oleamide) in the examples, these examples, clearly do not anticipate the claimed invention. In fact, the use of oleamide in the examples constitutes a clear preference by Knight that teaches away from the present invention, which specifies that the composition must be essentially free of unsaturated amide.

In addition, the Examiner is clearly incorrect in hypothesizing that the polyethylene wax included in the Knight compositions would oxidize to produce the oxidized polyethylene required by the claimed composition. First, it is well-known that commercially available polyethylenes typically include thermal stabilizers or antioxidants. See, for example, Kirk-Othmer Encyclopedia of Chemical Technology, "Antioxidants, Polymers," Vol. 3, p. 102 (2002), copy submitted herewith, particularly section 8.1 on page 118 ("Low concentrations of stabilizers (<0.1%) are often added to polyethylene ..."). Also, see section 2.2 (p. 103) which indicates that a linear hydrocarbon such as polyethylene is the most stable. While the Examiner has cited Winslow, a 1958 article, for its recognition that polyethylene oxidizes, the Examiner has ignored Winslow's teaching that antioxidant compounds may be added to polyethylene to counteract the oxidation (see p. 319, col. 2, lines 5-7; p. 320, last paragraph). Thus, Winslow essentially

confirms what has become the present day common usage of antioxidants in polyethylene resin.

Second, and more importantly, all of the Knight examples include a thermal stabilizer as an additive. This stabilizer is included to prevent oxidation of the components included in the Knight compositions. Thus, the polyethylene wax would not form oxidized polyethylene, as the Examiner suggested, because the thermal stabilizer present in the composition would inhibit oxidation. The Examiner's hypothesis is contrary to the available evidence and cannot support a theory of anticipation absent a clear and unambiguous teaching in the art.

Accordingly, Knight does not anticipate the claimed invention because Knight does not disclose a composition that includes oxidized polyethylene and because Knight does not disclose a composition that includes a saturated amide, free of unsaturated amide, in combination with a silicone and oxidized polyethylene.

Although the Examiner has not rejected claims 22-28 and 33 under 35 U.S.C. §103 as obvious over Knight, applicant respectfully urges that such a rejection would be improper. As discussed above, Knight does not disclose the use of oxidized polyethylene in the Knight compositions. Rather, Knight uses a polyethylene wax. Knight does not suggest that the polyethylene wax component can or should be replaced with oxidized polyethylene. In addition, Knight's suggestion, and apparent preference, for using an unsaturated amide (oleamide) is a clear teaching away from the present invention, which requires that the composition be free of unsaturated amide. Finally, there is no suggestion in Knight to use the three specific components – saturated amide, silicone, and oxidized polyethylene – in combination, as claimed.

While the Examiner has rejected claims 29, 30-32 and 34 under 35 U.S.C. §103, these rejections are primarily based on Knight, as applied to claim 22. As discussed above, Knight does not render claim 22 obvious, primarily because

Knight does not disclose or suggest the use of oxidized polyethylene. Rather, Knight uses polyethylene wax. For the reasons presented earlier, the Examiner's assertion that the polyethylene wax will oxidize *in situ* is erroneous because the Knight compositions include a thermal stabilizer that prevents oxidation.

Accordingly, applicant respectfully urges the Examiner to withdraw the asserted rejections and to allow the present claims.

Respectfully submitted,

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